

House Amendment 8249

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1 1 Amend House File 2627 as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 <Section 1. Section 99G.9, Code 2005, is amended
1 5 by adding the following new subsection:
1 6 NEW SUBSECTION. 4A. To establish a process to
1 7 allow a person to be voluntarily excluded for life
1 8 from purchasing a lottery ticket or share for lottery
1 9 games authorized by this chapter. The process
1 10 established shall require that the authority
1 11 disseminate information regarding persons voluntarily
1 12 excluded to all retailers under this chapter and, if
1 13 applicable, to licensees under chapters 99D and 99F.
1 14 The state, the authority, retailers under this
1 15 chapter, and, if applicable, any licensee under
1 16 chapter 99D or 99F shall not be liable to any person
1 17 for any claim which may arise from this process. In
1 18 addition to any other penalty provided by law, any
1 19 money or thing of value that has been obtained by, or
1 20 is owed to, a voluntarily excluded person by the
1 21 authority as a result of playing any lottery game by
1 22 the person after the person has been voluntarily
1 23 excluded shall not be paid to the person but shall be
1 24 deposited into the gambling treatment fund created in
1 25 section 135.150. The authority shall coordinate with
1 26 the racing and gaming commission to establish a
1 27 unified process for allowing persons to be excluded
1 28 for life under this chapter and chapters 99D and 99F,
1 29 and to establish a statewide database of persons
1 30 excluded under this process and those excluded under
1 31 the process for racetrack enclosures and all other
1 32 licensed facilities under chapters 99D and 99F.
1 33 Sec. 2. Section 99G.30, subsection 4, Code 2005,
1 34 is amended to read as follows:
1 35 4. Except for the authority, a retailer shall only
1 36 sell lottery products on the licensed premises and not
1 37 through the mail or by technological means except as
1 38 the authority may provide or authorize and subject to
1 39 the requirements of section 99G.30A.
1 40 Sec. 3. Section 99G.30, Code 2005, is amended by
1 41 adding the following new subsection:
1 42 NEW SUBSECTION. 8. Lottery products or shares
1 43 shall only be sold by a person at least eighteen years
1 44 of age.
1 45 Sec. 4. NEW SECTION. 99G.30A MONITOR VENDING
1 46 MACHINES == RESTRICTIONS.
1 47 1. It shall be lawful for a retailer to sell
1 48 lottery products or tickets by means of a monitor
1 49 vending machine pursuant to the requirements of the
1 50 authority, but only if all of the following conditions
2 1 are met:
2 2 a. A monitor vending machine shall only be
2 3 permitted or offered for use by a retailer in any
2 4 single location or premises for which a class "A",
2 5 class "B", class "C", special class "C", or class "D"
2 6 liquor control license or class "B" or class "C" beer
2 7 permit has been issued pursuant to chapter 123.
2 8 b. A monitor vending machine shall not be located
2 9 on the premises of a retailer within twenty feet of an
2 10 automated teller machine.
2 11 c. A retailer that is a fraternal or charitable
2 12 organization or that locates monitor vending machines
2 13 in an age-restricted area may locate no more than four
2 14 monitor vending machines at the retailer's premises,
2 15 and any other retailer may locate no more than two
2 16 monitor vending machines at the retailer's premises.
2 17 For purposes of this paragraph, an "age-restricted
2 18 area" is a retailer premises in which persons younger
2 19 than twenty-one years of age are not allowed or an
2 20 area in a premises in which persons younger than
2 21 twenty-one years of age are allowed if access to the
2 22 area is restricted by a permanent physical barrier, as
2 23 approved by the authority.
2 24 d. The authority shall not advertise or promote

2 25 the availability of monitor vending machines to the
2 26 public. In addition, a person or retailer shall not
2 27 advertise or promote the availability of a monitor
2 28 vending machine to the public as anything other than a
2 29 monitor vending machine dispensing lottery products or
2 30 tickets pursuant to rules adopted by the authority.

2 31 e. A monitor vending machine offered to the public
2 32 shall be designed so as to be inaudible and with a
2 33 blank video monitor screen until the machine is
2 34 activated by a player. To activate a machine, a
2 35 player shall be required to obtain a code or similar
2 36 activating device from the retailer each time a player
2 37 wishes to activate and play a machine. In addition,
2 38 each machine shall be designed to require each player
2 39 to affirmatively respond to questions on the machine
2 40 as determined by the authority prior to playing the
2 41 machine. The questions shall require responses
2 42 related to the minimum age required to play the
2 43 machine, the consequences if a person excluded from
2 44 purchasing lottery products plays the machine, and the
2 45 availability of gambling treatment programs.

2 46 f. The minimum cost for a person to activate and
2 47 play a game on a monitor vending machine shall be no
2 48 less than one dollar.

2 49 g. A retailer with a monitor vending machine shall
2 50 make brochures concerning available gambling treatment
3 1 information readily available to players of the
3 2 machine.

3 3 h. A retailer offering a monitor vending machine
3 4 to the public shall require that all employees
3 5 authorized to provide the code or similar activating
3 6 device to persons prior to activating and playing a
3 7 monitor vending machine shall be at least eighteen
3 8 years of age.

3 9 i. The number of monitor vending machines
3 10 authorized by the authority and offered to the public
3 11 shall not exceed the number of monitor vending
3 12 machines that had been authorized and either located
3 13 on the licensed premises of a retailer or ordered by a
3 14 retailer from an authorized manufacturer as of January
3 15 7, 2006.

3 16 j. A monitor vending machine shall not be located
3 17 in any county in which the result of the most recent
3 18 referendum conducted in that county pursuant to
3 19 section 99G.30C was a defeat of a proposal to
3 20 authorize monitor vending machines in that county.

3 21 2. For purposes of this section, "monitor vending
3 22 machine" means a machine or other similar electronic
3 23 device that includes a video monitor and audio
3 24 capabilities that dispenses to a purchaser lottery
3 25 tickets that have been determined to be winning or
3 26 losing tickets by a predetermined pool drawing machine
3 27 prior to the dispensing of the tickets.

3 28 Sec. 5. NEW SECTION. 99G.30B AGE RESTRICTIONS ==
3 29 PENALTIES.

3 30 1. A person under the age of twenty-one years
3 31 shall not purchase or attempt to purchase a lottery
3 32 ticket or share. A person who violates this
3 33 subsection commits a scheduled violation under section
3 34 805.8C, subsection 5.

3 35 2. If any retailer, or employee of a retailer, is
3 36 convicted or found in violation of section 99G.30,
3 37 subsection 3, the authority shall, in addition to
3 38 criminal penalties fixed for violation of that
3 39 subsection, assess a civil penalty as follows:

3 40 a. A first violation shall subject the retailer to
3 41 a civil penalty in the amount of five hundred dollars.

3 42 b. A second violation within two years shall
3 43 subject the retailer to a thirty-day suspension of the
3 44 retailer's license and a civil penalty in the amount
3 45 of one thousand five hundred dollars.

3 46 c. A third violation within three years shall
3 47 subject the retailer to a sixty-day suspension of the
3 48 retailer's license and a civil penalty in the amount
3 49 of one thousand five hundred dollars.

3 50 d. A fourth violation within three years shall
4 1 result in revocation of the retailer's license.

4 2 e. For purposes of this subsection:

4 3 (1) The date of any violation shall be used in
4 4 determining the period between violations.

4 5 (2) Suspension shall be limited to the specific

4 6 license for the premises found in violation.
4 7 Sec. 6. NEW SECTION. 99G.30C MONITOR VENDING
4 8 MACHINES == REFERENDUM.
4 9 1. The board of supervisors of each county shall
4 10 direct the commissioner of elections to submit a
4 11 proposition concerning monitor vending machines to the
4 12 county electorate at the general election held in 2006
4 13 and at the general election held at each subsequent
4 14 ten-year interval.
4 15 2. The proposition to be submitted to the electors
4 16 shall be in the following form:
4 17 Should monitor vending machines approved by the
4 18 Iowa lottery be allowed for (name of applicable
4 19 county)?
4 20 3. If a majority of the county voters voting in
4 21 the most recent referendum on the proposition favors
4 22 allowing monitor vending machines, then retailers may
4 23 offer monitor vending machines to the public in that
4 24 county pursuant to the requirements of this chapter.
4 25 If a majority of the county voters voting in the most
4 26 recent referendum on the proposition does not favor
4 27 allowing monitor vending machines, then monitor
4 28 vending machines shall not be permitted in the county
4 29 and retailers shall not make any monitor vending
4 30 machines available to the public within sixty days
4 31 after the election.
4 32 Sec. 7. Section 99G.33, Code 2005, is amended to
4 33 read as follows:
4 34 99G.33 LAW ENFORCEMENT INVESTIGATIONS.
4 35 The department of public safety, division of
4 36 criminal investigation, shall be the primary state
4 37 agency responsible for investigating criminal
4 38 violations under this chapter. The chief executive
4 39 officer shall contract with the department of public
4 40 safety for investigative services, including the
4 41 employment of special agents and support personnel,
4 42 and procurement of necessary equipment to carry out
4 43 the responsibilities of the division of criminal
4 44 investigation under the terms of the contract and this
4 45 chapter. The contract shall provide, at a minimum,
4 46 for random checks of retailers at all hours for
4 47 compliance with the provisions of this chapter,
4 48 especially as it relates to the purchase of lottery
4 49 products or access to monitor vending machines by a
4 50 person who has not reached the age of twenty-one.
5 1 Sec. 8. Section 99G.39, subsection 1, paragraph a,
5 2 Code 2005, is amended to read as follows:
5 3 a. An amount equal to one-half of one percent of
5 4 the gross lottery revenue for the year shall be
5 5 deposited in the gambling treatment fund created in
5 6 section 135.150. However, an amount equal to one
5 7 percent of the gross lottery revenue for the year
5 8 derived from monitor vending machines shall be
5 9 deposited in the gambling treatment fund created in
5 10 section 135.150.
5 11 Sec. 9. Section 805.8C, subsection 5, Code
5 12 Supplement 2005, is amended to read as follows:
5 13 5. GAMBLING VIOLATIONS. For violations of legal
5 14 age for gambling wagering under section 99D.11,
5 15 subsection 7, section 99F.9, subsection 5, section
5 16 99G.30B, subsection 1, and section 725.19, subsection
5 17 1, the scheduled fine is five hundred dollars.
5 18 Failure to pay the fine by a person under the age of
5 19 eighteen shall not result in the person being detained
5 20 in a secure facility.>
5 21 #2. Title page, by striking lines 1 and 2 and
5 22 inserting the following: <An Act concerning the Iowa
5 23 lottery, including provisions on authorized lottery
5 24 games and machines, and providing penalties.>
5 25 #3. By renumbering as necessary.
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5 28
5 29 FORD of Polk
5 30 HF 2627.708 81
5 31 ec/gg/4150